



MINUTES

Monday, May 21, 2012

**FORT MYERS BEACH TOWN COUNCIL
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

I. CALL TO ORDER

Mayor Kiker called to order the May 21, 2012 Regular Meeting of the Town Council at 6:31 p.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, and Mandel. Council Member List was excused. Also Present: Town Manager Stewart, Town Attorney Miller, Finance Director Wicks, Public Works Director Lewis, Community Development Director Fluegel, and Town Clerk Mayher.

II. INVOCATION – Town Manager Stewart

III. YOUTH COUNCIL – Fort Myers Beach Elementary School

Mayor Kiker noted members of the Youth Council were in earlier today, and announced that they were graduating tonight from fifth grade.

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF FINAL AGENDA

Consensus approved the Agenda as presented.

VI. PUBLIC COMMENT

Mayor Kiker noted Public Comment time was scheduled for discussion of items that were not on the agenda.

Public Comment opened.

Ceal Spuhler resident, thanked Mayor Kiker and Town Attorney Humphrey for traveling to Tallahassee which resulted in the Town receiving grant funding for the Mound House. She discussed the importance of the restoration of the Mound House to the Town and residents. She noted her pleasure with the fact

that the Town would acquire the services of a person to oversee the restoration who was a historical expert. She suggested when progress reports were issued and sent to Tallahassee, if they could also be published in the newspaper in order to keep the public informed about the restoration progress.

James Harner, resident, discussed his views on parking and the “infringement of commercial property in residential” areas as it pertained to 216 Connecticut Street which abutted his property. He discussed how he did not like the subject property being used by trucks and workers during the past two years. He reported he had sent letters to CELCAB and the LPA concerning the matter.

Public Comment closed.

Mayor Kiker noted that the Council had requested the staff to investigate a Public Information Officer (PIO) which would be used for not only the Mound House but other Town projects as well. He pointed out that 216 Connecticut Street was purchased by the Town prior to the election of the present Mayor and Council; and mentioned that the Council was looking at alternatives other than 216 Connecticut Street as it related to parking for the Mound House.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

VIII. IMAGE OF FORT MYERS BEACH

A. Update on Safety Task Force

Mayor Kiker announced there would be a Public Safety Task Force meeting on Wednesday. He added that the group has grown to 11 or 12 volunteers, and he thanked the volunteers for doing a good job.

IX. ADVISORY COMMITTEES & REPORTS

A. Presentation by Audit Committee – Jim Rodwell, Chair

1. Auditor Selection Recommendation

Jim Rodwell, Audit Committee Chair, noted the Committee’s principal task was to assist and advise the Council on the selection of an auditor. He described the Committee’s work in helping to create an RFP which was sent to several Florida CPA firms; and how the Committee reviewed six proposals and evaluated and ranked each firm. He reported the Audit Committee held a Special Meeting on April 30, 2012 and determined the ranking as follows: 1) Mauldin & Jenkins of Bradenton, Florida; 2) Cherry, Bekaert & Holland of Orlando, Florida; and 3) the Town’s current auditor, Shinn & Company.

Town Manager Stewart explained the Auditor Selection would be placed on a Council Meeting Agenda and all pertinent information would be included in the agenda packet. He stated the matter would be on the next agenda and staff would be requesting authorization from Council for staff to begin negotiations with a firm.

Council Member Mandel noted the Audit Committee did a great deal of work and congratulated them on a great job.

2. Review of Financials

Jim Rodwell, Audit Committee Chair, explained the members read the financials; and requested that in the future the Committee receive a little bit more feedback on the financials from the staff during the year. He stated it was the conclusion of the Committee that there was no reason for the Committee to question any of the Auditor's conclusions in the reports; and that it was a clean report, a good report, and the Committee was comfortable with the report. He noted there were no issues to address as they go forward and they were working with staff on other matters (i.e. water utilities policy and procedures, Section #1; and financial reporting as it pertained to software).

Discussion was held regarding annual cost for potential financial software for the water utility.

Town Manager Stewart offered staff's appreciation to the Audit Committee for their assistance.

Mayor Kiker thanked Chair Rodwell and the Audit Committee for their work.

X. APPROVAL OF MINUTES

- A. April 16, 2012 Town Council Meeting
- B. April 16, 2012 Town Council Work Session

MOTION: Motion by Council Member Kosinski to approve all the minutes as presented; second by Council Member Mandel.

VOTE: Motion approved, 4-0; Council Member List was excused.

XI. CONSENT AGENDA

- A. FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

A request to approve the distribution of \$187,990 (total allocation available) of the FY 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds for projects within Lee County.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Motion by Council Member Kosinski to approve Consent Agenda Items #A; second by Council Member Mandel.

VOTE: Motion approved, 4-0; Council Member List was excused.

XIII. ADMINISTRATIVE AGENDA

- A. Introduction of Ordinance 12-05, Lien Reduction

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RELATING TO CODE ENFORCEMENT LIENS; AMENDING SECTION 2-427 OF THE TOWN OF FORTH MYERS BEACH LAND DEVELOPMENT CODE BY DELETING CERTAIN PROVISIONS RELATING TO

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THE EXECUTION OF SATISFACTIONS OF LIEN AND JURISDICTION OVER LIENS; CREATING A NEW DIVISION 4 IN CHAPTER 2, ARTICLE V, OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, TO BE ENTITLED "REDUCTION AND/OR RELEASE OF CODE ENFORCEMENT LIENS," CREATING SECTION 2-432, "PROCEDURE TO OBTAIN A REDUCTION AND/OR RELEASE OF A CODE ENFORCEMENT LIEN;" PROVIDING FOR APPLICATION REQUIREMENTS; CRITERIA FOR THE TOWN MANAGER OR DESIGNEE AND THE TOWN COUNCIL TO FOLLOW WHEN CONSIDERING APPLICATIONS FOR REDUCTION OR FORGIVENESS OF CODE ENFORCEMENT LIENS; TIME PERIOD WITHIN WHICH ANY REDUCED LIEN AMOUNT MUST BE PAID; RECORDING OR RELEASE OF LIEN; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

Town Manager Stewart briefly discussed the background of the proposed ordinance and noted it was patterned after the process adopted in Sanford, Florida. He gave an overview of the process and procedures included in the proposed ordinance regarding reduction and/or release of code enforcement liens (i.e. Sections 5, 6, and 7).

Public Comment opened.

No speakers.

Public Comment closed.

Discussion was held concerning the code enforcement fine process, fine accruals, and compliance.

MOTION: Motion by Council Member Kosinski to introduce Ordinance 12-05, Code Lien Reduction, and set a Public Hearing date for June 4, 2012 at 9:00 a.m.; second by Vice Mayor Raymond.

VOTE: Motion approved, 4-0; Council Member List was excused.

B. Discussion Regarding Actions Undertaken Regarding Mound House

Town Manager Stewart pointed out that at the recent Work Session on the Mound House staff had received direction from Council on various issues, and he reviewed the assignment of such work to Town staff: 1) Parks and Recreation Director was instructed to initiate the work necessary to fulfill the projects funded under the recently approved State grant, 2) Public Works Director was instructed to inform the TDC that the Town was moving forward with the Observation Pier Project, and 3) staff was instructed to identify and retain any necessary consultants or technical experts necessary for the completion of all projects. He added that staff was working with the legal staff on the joint use parking agreement as it pertained to the use of the church parking lot.

Public Comment opened.

No speakers.

Public Comment closed.

Vice Mayor Raymond questioned the status of the dock/observation pier.

Town Manager Stewart reported staff had notified the TDC on the matter, pulled the documents on the pier; and staff was working to finish the specifications. He added that once the specifications were completed then staff would put the project out for bid.

Council Member Kosinski explained how the Town had to have a 'complete set of biddable documents' including specifications in order to go out for an RFP.

Discussion ensued regarding retaining consultants, technical expertise, and architects.

Public Works Director Lewis gave an update on the completion of construction documents and house restoration.

Vice Mayor Raymond explained that he conducted a site visit to the Mound House as it pertained to additional parking and determined that his prior recommendation concerning parking near the entrance would not be feasible. He added that he thought the parking agreement with the church was a good idea.

Discussion ensued concerning the parking agreement with the church; Town Manager Stewart would work with staff and legal on the matter; and discussion was held regarding the use of a vehicle to transport visitors parked in the church lot to the Mound House.

Mayor Kiker questioned 'usage' of the Mound House.

Consensus was to discuss that matter during Agenda Management.

Public Works Director Lewis reported that all of the State permitting for the observation deck/pier was completed, as well as the piling plans. She stated it was her intention to place the remaining design for the pier with another consulting firm which was a marine firm instead of a landscaping firm.

C. Request to Submit an Application for the Florida Municipal Achievement Awards to the Florida League of Cities

Town Manager Stewart explained why the Town was resubmitting the application to the Florida Municipal Achievement Awards Program, and noted the Florida League of Cities required the approval by the elected body of the Town for submittal.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Motion by Vice Mayor Raymond to approve Town staff to submit an application for the Florida Municipal Achievement Awards Program to the Florida League of Cities; second by Council Member Kosinski.

VOTE: Motion approved, 4-0; Council Member List was excused.

XIV. PUBLIC COMMENT

Public Comment opened.

James Harner, resident, reported that he and his wife walked the beach on Sunday and was in disbelief of the number of dogs that were running around loose on the beach. He stated there were some dog fights and he believed the situation was getting 'out of hand'. He asked if someone was able to monitor the situation.

Public Comment closed.

Town Manager Stewart reported the Town had received complaints regarding the dogs on the beach; and they have asked the beach patrol to monitor the situation in the mornings and cite owners with dogs off their leash. He added that they have now asked the beach patrol to monitor the evening hours. He noted that after the monitoring was completed that staff would present the information to Council along with a recommended solution for their consideration.

Vice Mayor Raymond asked if the beach patrol had the ability to write citations, and if so, had they written any citations.

Public Works Lewis responded in the affirmative to both questions; and added that standard practice was to first issue a warning and educate the person about the Town's leash law; and if they are found violating the leash law again then they are given a fine.

Discussion ensued concerning the hours of operation of the beach patrol, both during and off-season.

XV. TOWN MANAGER'S ITEMS

Town Manager Stewart – noted that when the Town did the North Estero Project that the Town had applied for funding through FEMA and the Town had been waiting for the funding. He reported the funding, \$1.2 million dollars, had been issued to the Town today and was placed in the Town's investment account. He reported this week was Public Works Week and thanked the Public Works staff for their hard work throughout the year.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Miller – no items to report.

Mayor Kiker asked for an update on the ILA with the County for Estero Boulevard.

Town Attorney Miller stated she began drafting the agreement and would meet with Town Attorney Humphrey to review the draft agreement.

XVII. COUNCILMEMBER ITEMS AND REPORTS

Council Member Mandel – stated he had been contacted by a number of people concerned about the property formerly known as the Seafarer’s site who all informed him that they did not want to see the site become a parking lot. He requested placing the matter of purchasing the site on an agenda since purchasing the site would give the Town control of the subject property in order to develop it for its highest and best use. He reported he spoke with a developer today who stated they would entertain the idea of giving the Town a letter of intent to purchase the property from the Town as part of a development if it was owned by the Town.

Town Manager Stewart explained the Council had already taken action that approved and instructed the Town Manager and Mayor to work together with the County in an attempt to purchase the property. He noted that the Town had approached the County in the past and they declined the request; and deferred to the Town Attorney to determine if the direction was still valid.

Town Attorney Miller advised that it would be best if it was authorized again.

Town Manager Stewart reviewed the Council’s prior approval, instructions, and actions with the County and BOCC.

Discussion ensued regarding placing the matter on the June 4th Work Session.

Council Member List – excused.

Vice Mayor Raymond – reported the Florida League of Cities was requesting the Town vote to authorize a voting member.

MOTION: Motion by Council Member Kosinski to appoint Vice Mayor Raymond as the voting member to the Florida League of Cities; second by Council Member Mandel.

VOTE: Motion approved, 4-0; Council Member List was excused.

Vice Mayor Raymond reported he attended the Town Manager’s concert this past weekend and that it was a very good show.

Council Member Kosinski – no items to report.

Mayor Kiker – no items to report.

XVIII. AGENDA MANGEMENT

Discussion was held regarding the June 4th Work Session agenda items.

Consensus was to place the “Proposal on Seafarer’s” on the June 4th Work Session Agenda, place the Parks & Recreation Policy Regarding Art in the Community on hold, and to allow the Mayor to work with the Town Manager on the topics for the sessions.

XIX. RECAP OF ACTION ITEMS

Town Manager Stewart recapped the Action Items added during the meeting:

- Town Manager Stewart would follow-up with Mr. Harner regarding his concerns stated earlier about the Mound House and 216 Connecticut Street
- Discussion and authorization to begin negotiation with the top ranked auditing firm would be placed on the June 4th Agenda
- Staff to include the progress report on the Mound House information on the assessment of the impact level
- Staff would forward the application to the Florida League of Cities for the Florida Municipal Achievement Awards Program as requested
- Staff would report back on the results of the monitoring of unleashed dogs on the beach
- Staff would prepare information on the Seafarer's site for the June 4th Work Session
- Town Manager would attend the BOCC Town Hall meeting on May 23rd and report back to Council
- Staff would prepare the notification to the Florida League of Cities for the selection of Vice Mayor Raymond as the voting member

Motion by Council Member Kosinski, seconded Council Member Mandel to adjourn. Meeting adjourned at 7:53 p.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

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